



SR0068

LRB101 07976 JWD 53348 r

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SENATE RESOLUTION

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WHEREAS, Section 11 of Article V of the Illinois Constitution authorizes the Governor, by Executive Order, to reassign functions among or reorganize executive agencies that are directly responsible to the Governor; and

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WHEREAS, Section 11 of Article V also provides (i) that if an Executive Order proposes a reassignment or reorganization that contravenes a statute, then the Executive Order must be delivered to the General Assembly and (ii) that either house of the General Assembly, by record vote of a majority of the members elected, may disapprove the Executive Order; and

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WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act provides that reorganization occurs when, among other circumstances, an Executive Order reassigns functions to executive agencies which are directly responsible to the Governor; and

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WHEREAS, The Governor has issued Executive Order 2018-13, which proposes to transfer a portion of the jurisdiction of the Secretary of State over the licensing and operation of motor vehicles to the Department of Transportation; and

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WHEREAS, Executive Order 2018-13 qualifies as an executive

1 reorganization order and is subject to Article V, Section 11 of
2 the Illinois Constitution and the Executive Reorganization
3 Implementation Act because it attempts to reassign functions to
4 an executive agency that is directly responsible to the
5 Governor in contravention of statute, including the Illinois
6 Vehicle Code; and

7 WHEREAS, Executive Order 2018-13 was delivered in its
8 entirety to the Secretary of the Senate and the Clerk of the
9 House of Representatives on October 25, 2018; and

10 WHEREAS, Section 11 of Article V also provides that where
11 an executive reorganization order is delivered after April 1,
12 the General Assembly shall consider the executive
13 reorganization order at its next annual session, in which case
14 the Executive Order shall be deemed to have been delivered on
15 the first day of that annual session; and

16 WHEREAS, The first day of the next annual session of the
17 General Assembly was January 9, 2019; and

18 WHEREAS, Section 11 of Article V also provides that no
19 executive reorganization order may take effect until not less
20 than 60 calendar days after its delivery to the General
21 Assembly; and

1 WHEREAS, The 60-day period for the General Assembly to
2 disapprove Executive Order 2018-13 expires on March 10, 2019;
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4 WHEREAS, Executive Order 2018-13 contains a severability
5 clause that purports to preserve any portions of the Order not
6 found invalid, thereby relying on the notion that the General
7 Assembly does not have jurisdiction over Executive Order
8 2018-13 as a whole, but, instead, has the authority only to
9 disapprove the portions that contravene a statute; and

10 WHEREAS, Section III of Executive Order 2018-13 states that
11 the Order does not contravene and shall not be construed to
12 contravene any State statute, regardless of the fact that the
13 Order in its entirety was delivered to the General Assembly and
14 regardless of the fact that the Order in its entirety modifies,
15 changes, or alters the Illinois Vehicle Code so that the Code
16 would have to be substantially amended to conform and be
17 consistent with the changes effected in law by the
18 reorganization; and

19 WHEREAS, Regardless of Section III, Executive Order
20 2018-13 would have the effect of transferring responsibilities
21 from the Secretary of State, an independent Constitutional
22 officer, to an executive agency which is directly responsible
23 to the Governor, exceeding the authority of the Governor under

1 Section 11 of Article V; and

2 WHEREAS, The General Assembly has the constitutional and
3 statutory authority to consider each Executive Order that
4 contravenes a statute; therefore, be it

5 RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL
6 ASSEMBLY OF THE STATE OF ILLINOIS, that pursuant to Article V,
7 Section 11 of the Illinois Constitution, the Senate hereby
8 disapproves Executive Order 2018-13 in its entirety; and be it
9 further

10 RESOLVED, That Executive Order 2018-13 shall not become
11 effective; and be it further

12 RESOLVED, That copies of this resolution be delivered to
13 the Governor, the Secretary of State, the Secretary of
14 Transportation, and the Speaker of the House of
15 Representatives.